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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

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VALLEY MEDIA, INC.,

Plaintiff and Respondent,

v.

JUNG C. WU,

Defendant and Appellant.

C044659

(Super. Ct. No.  
CV01-510)

Respondent Valley Media, Inc. (Valley Media), filed suit seeking reimbursement of debt from multiple parties, including appellant Jung C. Wu (also known as Eric Wu). The matter was resolved at a court trial that took less than one day, and the trial court entered judgment against appellant in the amount of \$512,969.42 (including interest), plus costs and attorney fees. Appellant failed to request a statement of decision until after the matter was submitted and decided, and the court denied his late request. (See Code Civ. Proc., § 632; *Khan v. Medical Board* (1993) 12 Cal.App.4th 1834, 1840.) This appeal followed.

Appellate review in the instant case is extremely narrow. "Under the doctrine of 'implied findings,' when parties waive a statement of decision expressly or by not requesting one in a

timely manner, appellate courts reviewing the appealed judgment must presume the trial court made all factual findings necessary to support the judgment for which there is substantial evidence.” (*In re Marriage of Condon* (1998) 62 Cal.App.4th 533, 549-550, fn. 11.) Further, appellant did not designate a reporter’s transcript of the trial and related proceedings. Consequently, this is a judgment roll appeal.<sup>1</sup> “In a judgment roll appeal based on a clerk’s transcript, every presumption is in favor of the validity of the judgment and all facts consistent with its validity will be presumed to have existed.” (*Bond v. Pulsar Video Productions* (1996) 50 Cal.App.4th 918, 924.) Keeping in mind the narrow scope of review, we turn to appellant’s specific claims.

Appellant raises what he characterizes as four issues: (1) because Valley Media was involved in a federal bankruptcy proceeding, it was required, but failed, to present evidence the attorney and witness present on its behalf at trial were approved by the bankruptcy court for employment; (2) allowing respondent’s witness to testify under these circumstances was reversible error resulting in a miscarriage of justice; (3) the

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<sup>1</sup> In briefing and other correspondence with this court, appellant complains that he has sought but ultimately failed to obtain a useable copy of an audio recording of the trial. Appellant has, however, not set forth a specific claim of error. As explained above, he did not designate a reporter’s transcript as part of the record on appeal (or obtain a settled statement) and is not entitled to rely on the unreported trial proceeding. (See Cal. Rules of Court, rules 4, 14.)

documentary evidence authenticated by the witness should not have been admitted; and (4) the trial court abused its discretion by failing to grant a continuance on the day of trial so that appellant could obtain an attorney, and the court otherwise discriminated against him by not dismissing the action when respondent's representatives failed to arrive on time. Each of appellant's claims concerns matters that occurred in court at or shortly before the trial, but he has failed to provide an adequate record of the relevant proceedings. "Given the incompleteness of the record, appellant has failed to carry his burden to show affirmative error."<sup>2</sup> (*Thompson v. Thames* (1997) 57 Cal.App.4th 1296, 1308.)

**DISPOSITION**

The judgment is affirmed.

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RAYE, Acting P.J.

We concur:

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HULL, J.

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ROBIE, J.

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<sup>2</sup> In light of our decision, we deny respondent's application of January 13, 2004, requesting this court to take judicial notice of documents relating to the federal bankruptcy proceeding.